

13 2 perform a step-up converter function.

- as
end
30. (New) The device according to claim 29, further comprising:
a capacitor smoothing a current detected at a voltage detection point.

REMARKS

With the cancellation of claims 7, 19, 25, and 26 and the addition of claims 27-30, claims 1-6, 8-18, 20-24, and 27-30 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 25 and 26 stand rejected under 35 U.S.C. § 112, ¶1. In view of the cancellation of these claims, Applicants submit that this rejection is now moot.

Claims 2, 11-14, 23, and 24 stand rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In claims 1 and 14, the Examiner questions "what the transistor can be" and assumes that the transistor recited in the claims "could be a MOS field-effect transistor". For claims 11, 12, 23, and 24, the Examiner questions what could comprise the controlled transistor bridge. Whether a claim complies with 35 U.S.C. § 112, ¶2, depends on "whether those skilled in the art would understand what is claimed when the claim is read in light of the specification." The Beachcombers, International v. WildeWood Creative Products, 31 USPQ2d 1653, 1656 (Fed. Cir. 1994) (emphasis added). Further, Applicants emphasize that requiring the claims to recite a specific embodiment that is particular to one kind of transistor, which is what the Examiner seems to suggest in this rejection, is inappropriate; the role of the claims is to demarcate the boundaries of the invention and not to explain what is meant by the terms recited therein -- that is the role of the specification. In particular, as stated in § 2173.04 of the MPEP, "[b]readth of a claim is not to be equated with indefiniteness." The prior art is the true measure of the scope of protection to which a claim is entitled. In re Miller, 169 USPQ 597, 600 (CCPA 1971). In this rejection, the Examiner believes certain of the claims are indefinite because these claims do not recite what the "transistor" or "controlled transistor bridge" can be. If the standard for evaluating claims under 35 U.S.C. § 112, ¶2, required the language in the claims to be evaluated in a vacuum without the benefit of the specification, the Examiner's reasoning would be well-taken. Nevertheless, as explained above, the judicially sanctioned standard for evaluating claims under this statute requires that the claim language be evaluated from the vantage point of one

of ordinary skill in the art who has looked to the specification to discern the meaning of the particular terms appearing in the claims. When evaluated according to this standard, Applicants submit that both of the terms "transistor" and "controlled transistor bridge" are definite because the specification provides examples of the kinds of elements that may serve as the "transistor" and "controlled transistor bridge". Moreover, Applicants acknowledge that these terms may encompass MOS field-effect transistors, but Applicants emphasize that the explanation provided in the specification is exemplary in nature and not intended to limit the claim terms to these kinds of transistors or controlled transistor bridges. In fact, because the explicit language of the claims that the Examiner rejects is not limited to MOS field-effect transistors, it would be inappropriate to interpret these claims as covering only MOS field-effect transistors. The Examiner is reminded that it is inappropriate to import from the specification limitations that do not appear in the claims; the specification is to be used instead to interpret language already appearing expressly in the claims. Therefore, in view of this discussion, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 112, ¶2.

Claims 1-6, 9, 10, 11-18, 21-24, 25, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,825,139 to Hamelin et al. ("Hamelin"). Since claims 25 and 26 have been canceled, Applicants shall not discuss these claims with respect to this rejection. With respect to claims 1 and 13, Applicants have amended these claims to respectively recite the limitations of now-canceled claims 7 and 19, namely, a capacitor for smoothing a current detected at a voltage detection point and the step of smoothing a current detected at a voltage detection point using a capacitor. When considering these limitations when they were recited in canceled claims 7 and 19, the Examiner acknowledged that Hamelin does not teach either the use or arrangement of a capacitor in the manner now recited in claims 1 and 13, but nevertheless took official notice that modifying the system of Hamelin to accommodate a capacitor in the manner contemplated by the claims would have been obvious to one of ordinary skill in the art. When an Examiner takes official notice that the prior art teaches or suggests a particular limitation in the manner contemplated by the claim, § 2144.03 of the MPEP states that Applicants are entitled to traverse this assertion by requesting that the Examiner either (1) provide a reference that provides a teaching demonstrating the correctness of the official notice taken in the office action, or (2) provide an affidavit that avers those personal facts known and believed by the Examiner to establish the correctness of the official notice taken

in the office action. See also 37 C.F.R. § 1.104(d)(2). In this rejection, the Examiner offers no evidence in support of the contention that it is well-known to use a capacitor to smooth the current at a voltage detection point in a method or device for controlling a generator. Therefore, Applicants traverse this contention and respectfully request that the Examiner either provide a reference or an affidavit in the manner discussed above, if the Examiner decides to maintain this rejection.

As for claims 2-6, 9, and 10, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 1.

As for claims 13-18, 21, and 22, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 13.

With respect to claims 11 and 23, Applicants submit that Hamelin does not anticipate this claim because Hamelin does not show a controlled transistor bridge, much less one that provides a step-up converter function. In Hamelin, the only kind of bridges that are used are diode-based rectifier bridges; transistor bridges are never mentioned or described. Although in certain embodiments these rectifier diodes are associated with transistors, Hamelin does not collectively arrange these transistors to function as a controlled transistor bridge, using them instead as elements that cooperate with a rectifier bridge R to produce the desired voltage effect. Therefore, because Hamelin does not show a controlled transistor bridge that is used for producing a step-up converter function, Applicants submit that Hamelin does not anticipate claims 11 and 23.

As for claim 12, Applicants submit that this claim is patentable for at least the same reasons given in support of the patentability of claim 1.

As for claim 24, Applicants submit that this claim is patentable for at least the same reasons given in support of the patentability of claim 1.

Claims 7, 8, 19, 20, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamelin. Claims 7, 19, 25, and 26 have been canceled and will not be discussed with respect to this rejection. Claims 8 and 20 recite the provision of a step-up converter function. The Examiner concedes that this is a limitation not found in Hamelin, but nevertheless takes official notice that this limitation is well-known in the art. For the reasons provided above, Applicants respectfully traverse this assertion of official notice under MPEP § 2144.03 and 37 C.F.R. § 1.104(d)(2). If the Examiner maintains this rejection, Applicants respectfully request that the Examiner either (1) provide a reference that provides a teaching demonstrating the correctness of the official notice taken in the office action, or (2) provide

an affidavit that avers those personal facts known and believed by the Examiner to establish the correctness of the official notice taken in the office action.

Applicants have added new claims 27-30. Support for these claims is found at least in Figures 2-4 and in their accompanying descriptions in the specification. Applicants submit that none of the references relied on by the Examiner teaches or suggests the invention of claims 27-30.

Applicants assert that the present invention is new, non-obvious, and useful. Consideration and allowance of the claims are requested.

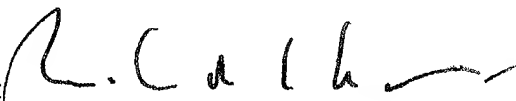
Respectfully submitted,

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Dated:

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